

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MOHAMMED SABBAGHI

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary, Department of
Homeland Security, and JULIA HARRISON,
Seattle Field Office Director, U.S. Citizenship and
Immigration Services

Defendants.

NO. C08-01641-PET

**DEFENDANTS' REPLY TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO EXTEND
TIME TO ANSWER, PLEAD,
OR OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

(Local Rule 7(d)(2))

Defendants, Michael Chertoff and Julie Harrison, by and through their counsel, Gregory G. Katsas, Assistant Attorney General at the United States Department of Justice, J. Max Weintraub, Senior Litigation Counsel for said agency, and Stacey I. Young, Trial Attorney for said agency, hereby reply as follows to Plaintiff Dajian Sabbaghi's ("Sabbaghi") opposition to Defendants' motion to extend time to answer, plead, or otherwise respond to Plaintiff's complaint ("Sabbaghi's Opposition Motion").

In his Opposition Motion, Sabbaghi, without citing to any authority or order issued by this Court, claims that the United States Citizenship and Immigration Services ("USCIS") "has been required to file the administrative record since April 18, 2006, "sixty days after he filed his

1 first naturalization case with this Court” Sabbaghi’s Opposition Motion (Dkt. # 4) in Sabbaghi
2 v. Chertoff, et al., (08-01641). On the contrary, this Court never specifically requested an
3 administrative record in either of the previous two naturalization cases in this matter. See
4 Sabbaghi v. Gonzalez, et al. (06-0246); Sabbaghi v. Mukasey, et al. (08-0168). Moreover, this is
5 the first naturalization case in which Sabbaghi is requesting a de novo review of a final
6 naturalization determination, for which an administrative record would assist the Court and the
7 parties in preparation for the hearing. In Sabbaghi’s previous naturalization cases, he challenged
8 only USCIS’s alleged failure to adjudicate his naturalization application in a timely manner; the
9 Court’s and the parties’ access to the entire record was not as necessary in cases involving the
10 review of this narrow procedural issue. See Sabbaghi’s Complaint (Dkt. #1) in Sabbaghi v.
11 Gonzales, et al. (06-0246); Sabbaghi’s Complaint (Dkt. #1) in Sabbaghi v. Gonzales, et al. (08-
12 0168).

13 Defendants require additional time to prepare the administrative record because it is more
14 than 500 pages and includes documents that span nearly two decades. Office closures in Seattle
15 due to weather caused delays in processing the record, of which Defendants’ counsel informed
16 Sabbaghi’s counsel on December 24, 2008, and December 29, 2008.

17 In his opposition motion, Plaintiff also failed to challenge the other reason Defendants
18 requested additional time to answer, plead, or otherwise respond to Plaintiff’s complaint, which
19 was due to the undersigned’s large litigation docket. At or about the same time the undersigned
20 was assigned to prepare the Government’s response in this case, she was also assigned and
21 prepared, or will prepare, principal briefs or arguments in: Singh v. Cicchi, et al., No. 08-3436
22 (3d Cir.); Salinas-Gonzalez v. Godfrey, et al., No. 05-36007 (9th Cir.); Sabbaghi v. Chertoff, et
23 al., No. 08-01641 (C. Dist. of CA); Dajian Ni v. United States Citizenship and Immigration
24 Services, No. 08-03883 (Central Dist. of CA); Hlavinka v. United States Citizenship and
25 Immigration, No. 09-00003 (Dist. of OR); and Neves v. United States, No. 07-1091 (E. Dist. of
26 MA).

27 Thus, Defendants respectfully request that the Court stay the deadline to answer, plead, or
28

1 otherwise respond to Plaintiff's complaint to February 10, 2009.

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3 DATED this 9th day of January, 2008.

4 Respectfully submitted,

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6 GREGORY G. KATSAS
7 United States Department of Justice
8 Assistant Attorney General
9 J. MAX WEINTRAUB
10 Senior Litigation Counsel
11 U.S. Department of Justice
12 Office of Immigration Litigation
13 District Court Section

14 /s Stacey I. Young
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CERTIFICATE OF SERVICE

I, Stacey Young, hereby certify that on January 9, 2009, I electronically filed the foregoing Defendants' Reply to Plaintiff's Opposition to Federal Defendants' Motion to Extend Time to Answer, Plead, or Otherwise Respond to Plaintiff's Complaint with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant:

BART KLEIN, e-mail bart.klein@bartklein.com

Dated this 9th day of January, 2009.

/s/ Stacey I. Young
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